

ENTERED

November 16, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WAYNE BAILEY,

Plaintiff,

v.

STEPHANIE ABRON, M.D., *ET AL.*,*Defendants.*§
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CIVIL ACTION No. H-18-4202

ORDER FOR MARTINEZ REPORT

State inmate Wayne Bailey filed this *pro se* state inmate lawsuit under section 1983 against various prison administrative and medical employees. He claims that he was denied an ambulation assistance rollator device in violation of his constitutional and ADA rights. Plaintiff was provided a rolling walker, but claims that only a rolling walker with a seat (a rollator) will comply with constitutional and ADA requirements. He further claims that specialists have recommended he use a rollator, but defendant Stephanie Abron, M.D., refuses to authorize one.

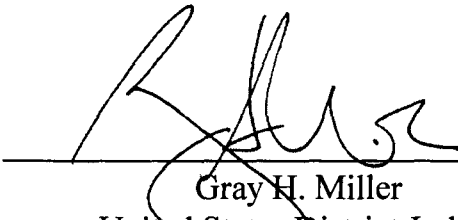
To further supplement the pleadings, and so that the Court can more fully evaluate plaintiff's claims, the Court requests a report under *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1987) from the State Attorney General's Office. See *Cay v. Estelle*, 789 F.2d 318, 323 & n. 4 (5th Cir. 1986) (discussing the function of a *Martinez* report).

Accordingly, the Court ORDERS as follows:

- (1) The State Attorney General's Office shall provide a *Martinez* Report regarding plaintiff's claims for deliberate indifference to his serious medical needs and violations of the ADA as outlined in his complaint within sixty days from date of this order.
- (2) The *Martinez* Report shall also include all relevant medical records, grievances, I-60's and sick call requests submitted by plaintiff regarding the claims raised in his complaint.
- (3) The Clerk of Court shall provide a copy of this Order, plaintiff's complaint (Docket Entry No. 1), and plaintiff's memorandum (Docket Entry No. 2) to Karen D. Matlock, Assistant Attorney General for the State of Texas, Law Enforcement Defense Division, P.O. Box 12548, Austin, Texas 78711-2548, by any receipted means.

A copy of this Order shall be provided to plaintiff at his address of record.

Signed at Houston, Texas on November 15, 2018.



Gray H. Miller
United States District Judge